

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CR-75-4H  
No. 5:16-CV-451-H

THERIAN WHITEHEAD,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

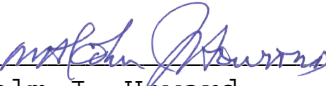
)  
)  
)  
)  
)  
)

**ORDER**

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, [DE #119]. This matter was stayed pending the Supreme Court's resolution of United States v. Davis, 139 S. Ct. 2319 (2019). [DE #175]. In light of the Supreme Court's resolution of Davis, the stay is hereby lifted.

Petitioner is directed to file a supplement, or other appropriate filing or motion, to the § 2255 motion to vacate within twenty-one (21) days of this order. The government shall then have twenty-one (21) days to file a response, if appropriate. In the event the parties agree petitioner is entitled to § 2255 relief, they may file a joint response within twenty-one (21) days of this order, addressing the appropriate remedy in this action.

This 20th day of August 2019.

  
\_\_\_\_\_  
Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#35